

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Cont.Appeal (C).No.4 of 2004(S)

AGAINST THE JUDGEMENT IN Cont.Case (C).No.673/2004 DATED 03/08/2004

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APPELLANTS/PETITIONERS:-

1. GIRIJA S., AGED 31, D/O. SURENDRAN,
HIGHER SECONDARY SCHOOL TEACHER, A.E.P.M.,
HIGHER SECONDARY SCHOOL, IRUMPANANGAD,
(1ST PETITIONER IN OP)
2. SAKTHI S., AGED 31, S/O. M.SOMANGATHAN,
HIGHER SECONDARY SCHOOL TEACHER,
A.E.P.M. HIGHER SECONDARY SCHOOL,
IRUMPANANGADU (4TH PETITIONER IN THE OP)
3. USHA V., AGED 34, D/O. JANARDHANAN,
HIGHER SECONDARY SCHOOL TEACHER,
A.E.P.M. HIGHER SECONDARY SCHOOL TEACHER
IRUMPANANGAD (5TH PETITIONER IN THE OP)
4. NJANADAS M., AGED 30,
S/O. K.G.MICHAEL, HIGHER SECONDARY SCHOOL TEACHER,
ST.ANTONY'S HIGHER SECONDARY SCHOOL,
KANJIRACODE (6TH PETITIONER IN THE OP)
5. TESSY KUMARY A., AGED 32,
D/O. S.ANTONY, HIGHER SECONDARY SCHOOL TEACHER,
ST.ANTONY'S HIGHER SECONDARY SCHOOL,
KANJIRACODE (7TH PETITIONER IN THE OP)
6. JACQUILINE J., AGED 33, D/O. N.JAMES,
HIGHER SECONDARY SCHOOL TEACHER,
ST.ANTONY'S HIGHER SECONDARY SCHOOL,
KANJIRACODE (9TH PETITIONER IN THE OP)
7. NEENA MARY, AGED 29, D/O. N.NELSON,
HIGHER SECONDARY SCHOOL TEACHER,
ST.ANTONY'S HIGHER SECONDARY SCHOOL,
KANJIRACODE (10TH PETITIONER IN THE OP)

8. LEENA C., AGED 35 D/O. ASHA KAPPAN,
HIGHER SECONDARY SCHOOL TEACHER, MAYYANAD
HIGHER SECONDARY SCHOOL, MAYYANAD,
(12TH PETITIONER IN THE OP)
9. DEEPA SOMAN, AGED 26, D/O. U.SOMARAJAN,
HIGHER SECONDARY SCHOOL TEACHER,
MAYYANAD HIGHER SECONDARY SCHOOL,
MAYYANAD (13TH PETITIONER IN THE OP)
10. BINDU S., AGED 40, D/O. U.A.PRABHAKARAN,
HIGHER SECONDARY SCHOOL TEACHER,
MAYYANAD HIGHER SECONDARY SCHOOL, MAYYANAD
(14TH PETITIONER IN THE OP)
11. SINDHURANI S., AGED 35,
D/O. K.N.SASIDHARAN, HIGHER SECONDARY SCHOOL
TEACHER, MAYYANAD HIGHER SECONDARY SCHOOL,
MAYYANAD (15TH PETITIONER IN THE OP)
12. AJI. D.P., AGED 30, D/O. DAMODARAN PILLAI
HIGHER SECONDARY SCHOOL TEACHER, C.V.K.M. HIGHER
SECONDARY SCHOOL, EAST KALLADA, KOLLAM
(20TH PETITIONER IN THE OP)
13. DIVYA.C., AGED 27, D/O. R.CHANDRA BOSE,
HIGHER SECONDARY SCHOOL TEACHER,
CVKM HIGHER SECONDARY SCHOOL, EAST KALLADA,
KOLLAM. (23RD PETITIONER IN THE OP)
14. JULIE VARGHESE, AGED 32, D/O. VARGHESE,
HIGHER SECONDARY SCHOOL TEACHER, CVKM HIGHER
SECONDARY SCHOOL, EAST KALLADA, KOLLAM
(24TH PETITIONER IN THE OP)
15. LEKSHMI V., AGED 27,
D/O. N.VENUGOPALAKRISHNA PILLAI,
HIGHER SECONDARY SCHOOL TEACHER,
CVKM HIGHER SECONDARY SCHOOL, EAST KALLADA,
KOLLAM.
(25TH PETITIONER IN THE OP)
16. SUMA S., AGED 34,
D/O. M.G.SOMACHANDRAN NAIR, HIGHER SECONDARY
SCHOOL TEACHER, CVKM HIGHER SECONDARY SCHOOL,
EAST KALLADA, KOLLAM
(26TH PETITIONER IN THE OP)
17. JAMES D., AGED 35, S/O. DANIEL C.,
HIGHER SECONDARY SCHOOL TEACHER,
CVKM HIGHER SECONDARY SCHOOL,
EAST KALLADA, KOLLAM.
(28TH PETITIONER IN THE OP)

18. SAJEEMA A., AGED 37,
D/O. ABDUL KHADER KUTTY, HIGHER SECONDARY SCHOOL
TEACHER, A.K.M.HIGHER SECONDARY SCHOOL,
MYLAPUR (30TH PETITIOER IN THE OP)
19. MANJU M., AGED 33, D/O. M.P.MOHANAN,
HIGHER SECONDARY SCHOOL TEACHER, A.K.M.HIGHER
SECONDARY SCHOOL, MYLAPUR (31ST PETITIONER IN
THE OP)
20. ANITHA KUMARI H., AGED 27,
D/O. HANEEFA S.M., HIGHER SECONDARY SCHOOL
TEACHER, A.K.M.HIGHER SECONDARY SCHOOL,
MYLAPUR. (32ND PETITIONER IN THE OP)
21. LAKSHMIJA P.S., AGED 27,
S/O. K.P.SANKARAN NAIR, HIGHER SECONDARY
SCHOOL TEACHER, A.K.M.HIGHER SECONDARY SCHOOL,
MYLAPUR (33RD PETITIONE IN THE OP)
22. THOMSON GRACE, AGED 38,
S/O. I.THOMAS, HIGHER SECONDARY SCHOOL TEACHER
N.K.L.M. HIGHER SECONDARY SCHOOL,
KANNANALLOOR (44TH PETITIONER IN THE OP)
23. SHEEJA.M. H.S.S.TEACHER, M.K.L.M.
HIGHER SECONDARY SCHOOL, KANNALLOOR, 45TH
PETITIONER IN THE O.P.
24. SHIJU JOHN SAMUEL, H.S.S.TEACHER,
M.K.L.M. H.S.S. KANNANALLOOR, 47TH PETITIONER IN
THE O.P.
25. SHIBA K.KOSHY, H.S.S.TEACHER,
M.K.L.M. H.S.S. KANNANALLOOR, 47TH PETITIONER
IN THE O.P.
26. USHA VIJAYAN, H.S.S.TEACHER,
EZHIPPURAM H.S.S.PARIPPALLY, 50TH PETITIONER,
IN THE OP.
27. BEENA MANZOOR, H.S.S.TEACHER, EZHIPURAM
H.S.S.PARIPPALLY, 52ND PETITIONER IN THE O.P.
28. SALAHUDEEN.A. H.S.S.TEACHER,
EZHIPPURAM H.S.S. PARIPPALLY 552ND PETITIONER
IN THE OP.
29. GANGA DEVI.T. H.S.S.TEACHER,
EZHIPPURAM H.S.S. PARIPPALLY, 53RD PETITIONER IN
THE O.P.

30. BINDU.S. H.S.S.TEACHER, EZHIPURAM
H.S.S.PARIPPALLY, 54TH PETITIONER IN THE O.P.
31. SHEEJA.R. H.S.S.TEACHER, EZHIPURAM
H.S.S.PARIPPALLY, 56TH PETITIONER IN THE O.P.
32. INDU.V.GOPAN, H.S.S.TEACHER,
EZHIPURAM H.S.S PARIPPALLY,
57TH PETITIONER IN THE OP.
33. LEKSHMI CHANDRAN, AGED 30,
D/O.M.R.RAMACHANDRAN PILLAI, K..G.P.M. H.S.S.
ODANAVATTOM, 58TH PETITIONER IN THE O.P.
34. SHEREEFA BEEVI, AGED 40,
D/O.IBRAHIM RAWTHER, K.R.G.P.M.H.S.S.
ODANAVATTOM, 59TH PETITIONER IN THE O.P.
35. SARASWATHY.G. AGED 42,
D/O.GOPALAN ACHARY, H.S.S.TEACHER.K.R.G.P.M.H.S.S.
ODANAVATOM, 60TH PETITIONER IN THE OP.
36. LEKHA C.L. AGED 28,
D/O.CHANDRASEKHARAN PILLAI, H.S.S.TEACHER,
K.R.G.P.M.H.S.S. ODANVATTOM, 61 PETITIONER IN THE O.P.
37. SUDHEESH KUMAR.P. AGED 30
S/O.PANKAJAKSHAN PILLAI, H.S.S.TEACHER,
CHAMPAKASSERY HIGHER SECONDARY SCHOOL,
POOTHAKKULAM, PARAVOOR KOLLAM, 29TH PETITIONER
IN THE OP.
38. JISSY K.GEORGE, AGED 30,
D/O.K.G.GEORGE, H.S.S.TEACHER,
M.V.H.S.S. PUTHENKVAU, ALAPPUZHA DIST.

BY ADV. SRI.BENOY THOMAS

RESPONDENT:-

SRI.SAJAN PETER, AGED ABOUT 50,
S/O.PETER, SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS CONTEMPT APPEAL (CIVIL) HAVING BEEN FINALLY
HEARD ON 22/01/2007, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:-

V.K.Bali,C.J. & S.Siri Jagan,J.

Contempt Appeal (C).No.4 of 2004-S

Dated, this the 22nd day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

This appeal has been filed challenging the order dated 3rd August, 2004 passed in Cont.Case (C).No.673 of 2004. An application for initiating action under the Contempt of Courts Act was filed by the petitioners alleging that there was no compliance with the orders passed by this Court on 26.09.2003 in O.P.No.24064 of 2002. The learned Single Judge observed that the steps taken by the respondents had already been accepted as compliance with the orders. In view of the orders passed by the Government, leaving liberty to the petitioners to challenge Annexure-6, as might be admissible, the contempt case was dismissed. We are of the view that no appeal under Section 19 of the Contempt of Courts Act shall be competent against the impugned order. An appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt (emphasis supplied). 'Punish for contempt' has been

held by the Supreme Court to be an order holding a person guilty of contempt and punishing him. The appeal is dismissed as being not maintainable.

V.K.Bali
Chief Justice

vku/-

S.Siri Jagan
Judge